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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

VERONICA GUTIERREZ, ERIN  
WALKER, and WILLIAM SMITH, as  
individuals and on behalf of all others  
similarly situated,

Plaintiffs,

v.

WELLS FARGO BANK, N.A.,

Defendant.

Case No. C 07-05923-WHA (JCSx)

**JOINT STATEMENT AND ~~PROPOSED~~  
ORDER RE DECEMBER 2, 2016 ORDER  
REQUESTING RESPONSE (Dkt. 712)**

Judge Assigned: Hon. William Alsup

1 Plaintiffs and Defendant Wells Fargo Bank, N.A. (“Wells Fargo”) respectfully submit the  
 2 following joint statement in response to the Court’s December 2, 2016 Order Requesting  
 3 Response (Dkt. 712).

4 The parties have reviewed the materials submitted by the class member, R.E.<sup>1</sup>

5 R.E. is a class member in Group 3, *i.e.*, a former Wells Fargo customer with no currently  
 6 active account at the bank. Accordingly, R.E. was sent, and she received, a check for her portion  
 7 of the judgment. As R.E. has informed the Court, both her name and her now ex-husband’s name  
 8 appear on R.E.’s judgment check. However, Wells Fargo has confirmed that the account in  
 9 question was held by R.E. in her individual capacity and that her ex-husband was only a “payable  
 10 on death” beneficiary for the account, not a joint account holder. Apparently, the class  
 11 administrator listed the ex-husband on the check with the prefix “POD,” signifying that the name  
 12 that follows is a “payable on death” beneficiary of the account.

13 Accordingly, because the judgment proceeds at issue belong to R.E. alone, the parties  
 14 respectfully advise and recommend that the class administrator re-issue R.E.’s check individually  
 15 in her current legal name,<sup>2</sup> without listing her ex-husband on the check. A proposed order to that  
 16 effect is provided below.

17  
 18 Respectfully submitted,

19 Dated: December 7, 2016

LIEFF, CABRASER, HEIMANN & BERNSTEIN, LLP

20  
 21 By: /s/ Michael W. Sobol

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1 The class member’s full name is not used herein to protect her privacy.

2 As indicated in the materials submitted by R.E., R.E.’s name changed following her divorce and remarriage.

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*Attorneys for Defendant Wells Fargo Bank, N.A.*

**~~PROPOSED~~ ORDER**

Having reviewed the parties' joint statement in response to the Court's December 2, 2016 Order Requesting Response (Dkt. 712), and good cause appearing, the Court hereby ORDERS as follows:

1. The class administrator shall promptly re-issue class member R.E.'s judgment check individually in her current legal name, without listing her ex-husband on the check.

**IT IS SO ORDERED.**

Dated: December 7, 2016



Hon. William Alsup  
United States District Judge